IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 24500 of 2007(N)

PETITIONERS:

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1. G.V.MADHAVANKUTTY, S/O.VELAYUDHAN PILLAI
   AGED 59, VATTAVILAKATHU VEEDU,
   T.C.41/19, MANACAUD P.O., TRIVANDRUM.

2. T.V.THULASI, D/O.LATE P.THANKAMMA,
   VATTAVILAKATHU VEEDU, T.C.41/19,
   MANACAUD P.O., TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:

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1. KERALA WATER AUTHORITY,
   REP. BY ITS CHIEF ENGINEER,
   TRIVANDRUM.

2. THE EXECUTIVE ENGINEER,
   KERALA WATER AUTHORITY,
   EXECUTIVE ENGINEER OFFICE,
   P.H.DIVISION, TRIVANDRUM.

3. THE ASST.EXECUTIVE ENGINEER,
   KERALA WATER AUTHORITY,
   MURIYATHI, TRIVANDRUM.

BY ADV.SMT.AMBIKA DEVI, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.24500 of 2007-N

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Dated this the 14th day of August, 2007.

JUDGMENT

The issue between the parties is as to whether the supply of water to the premises in question during a particular period could be treated as for domestic purpose or non-domestic purpose. Having regard to the conflict of contentions, it is appropriate that the Managing Director of the Water Authority gives an opportunity of hearing to the petitioners and decides on the matter accordingly. It will be open to the Managing Director to ensure that appropriate enquiry is conducted as may be found necessary on the facts and circumstances of the case.

2. In the interregnum, there will be no disconnection of supply of water to the premises of the

petitioners on condition that they deposit an amount of Rs.25,000/- within two weeks from now. Such deposit shall be without prejudice to the rights of the petitioners and the said amount will be dealt with in terms of the decision that the Managing Director may render.

The writ petition is disposed of in the above terms.

Sd/-

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

-true copy-

P.S.to Judge.